

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MUTINTA MICHELO, KATHERINE SEAMAN,)
MARY RE SEAMAN, and SANDRA TABAR,)
individually and on behalf of all others similarly)
situated,)
Plaintiffs,)
v.) No. 18-cv-1781 (PGG)
NATIONAL COLLEGIATE STUDENT LOAN)
TRUST 2007-2; NATIONAL COLLEGIATE)
STUDENT LOAN TRUST 2007-3;)
TRANSWORLD SYSTEMS, INC., in its own right and)
as successor to NCO FINANCIAL SYSTEMS, INC.;)
EGS FINANCIAL CARE INC., formerly known as)
NCO FINANCIAL SYSTEMS, INC.; and)
FORSTER & GARBUS LLP,)
Defendants.)
CHRISTINA BIFULCO, FRANCIS BUTRY,)
and CORI FRAUENHOFER, individually and on)
behalf of all others similarly situated,)
Plaintiffs,)
v.) No. 18-cv-7692 (PGG)
NATIONAL COLLEGIATE STUDENT LOAN)
TRUST 2004-2; NATIONAL COLLEGIATE)
STUDENT LOAN TRUST 2006-4;)
TRANSWORLD SYSTEMS, INC., in its own right and)
as successor to NCO FINANCIAL SYSTEMS, INC.;)
EGS FINANCIAL CARE INC., formerly known as)
NCO FINANCIAL SYSTEMS, INC.; and)
FORSTER & GARBUS LLP,)
Defendants.)

STIPULATION AND ~~PROTECTIVE~~ ORDER
REGARDING CONFIDENTIALITY AGREEMENT AND PROTECTIVE ORDER

WHEREAS, on April 30, 2019, the Court entered a Stipulated Confidentiality Agreement and Protective Order (the “Protective Order”) (*Michelo* ECF No. 92; *Bifulco* ECF No. 48) in the above-captioned actions;

WHEREAS, in October and November of 2019, Plaintiffs in the above-captioned actions served subpoenas on non-parties VCG Securities, LLC, VCG Owners Trust, and Pathmark Associates LLC (the “Subpoenas”);

WHEREAS, Rule 45 of the Federal Rules of Civil Procedure requires that “[a] party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena;”

WHEREAS, the non-parties that have received the Subpoenas (the “Responding Non-Parties”) are preparing to make a voluminous production and have indicated that the documents requested by the Subpoenas contain information that can be designated as “Confidential” under the terms of the Protective Order;

WHEREAS, Plaintiffs agree to provide the Parties to this action with copies of all documents produced in response to the Subpoenas within twenty-four (24) hours of Plaintiffs’ receipt of such documents from the Responding Non-Parties, barring unforeseen circumstances including technical problems with file-sharing, in which event Plaintiffs will provide immediate notice of any such issues within that twenty-four (24) hour period and will provide such copies as soon as feasible;

WHEREAS, the Responding Non-Parties have requested certain accommodations that will allow the Responding Non-Parties to make their productions more promptly and at a substantially decreased cost;

WHEREAS, the Responding Non-Parties have represented that if a Party to this action notifies the Responding Non-Parties of a need to file or use a redacted public version of a specific document, or up to 25 specific documents, that the Responding Non-Parties have designated as confidential, the Responding Non-Parties will provide a redacted public version of such document or documents, in accordance with Paragraph 3 of the Protective Order, within five (5) business days of such notification, and that if a Party to this action notifies the Responding Non-Parties of a need to file or use a redacted public version of any additional specific documents, exceeding 25 documents, the Responding Non-Parties will provide the redacted public versions of those additional requested documents within twenty (20) days of such notification;

WHEREAS, the Parties to this action agree that the terms of this Stipulation are binding on all Parties hereto upon execution of the Stipulation;

IT IS HEREBY ORDERED that:

1. The Responding Non-Parties may designate a document as Confidential pursuant to the terms of the Protective Order by stamping or clearly marking the document as "Confidential": (a) without providing a redacted public version of such document or documents in accordance with Paragraph 3 of the Protective Order, (b) unless or until a Party notifies the Responding Non-Parties that such a version is needed for a reasonably limited number of specific documents.

Dated: February 6, 2020

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Dated: Feb. 21, 2020

Paul G. Gardephe
Paul G. Gardephe
United States District Judge